

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

R Squared Circuits
120 Blue Ravine Road
Folsom, California 95630
ID No: CAD 982 519 506

Respondent

Docket HWCA 20040562

CONSENT ORDER
AND
CONSENT AGREEMENT

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and R Squared Circuits (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at 120 Blue Ravine Road, Folsom, California 95630 (Site).

2. The Department inspected the Site on June 10, 2004.

3. The Department alleges the following violations:

3.1 Respondent violated the California Code of Regulations, title 22, section 66265.192, in that on or about June 10, 2004, the Respondent failed to prepare a written assessment for two tank systems: one tank and associated ancillary equipment used to neutralize corrosive waste under Conditional Authorization, and ion exchange columns and an electrowinning tank used to recycle copper-bearing waste water.

3.2. Respondent violated the California Code of Regulations, title 22, section 66265.193 in that on or about June 10, 2004, the Respondent failed to provide secondary containment for the tank systems stated in section 3.1.

3.3. Respondent violated the California Code of Regulations, title 22, section 66262.11, in that on or about June 10, 2004, the Respondent disposed of copper-bearing dust to the regular garbage destined for disposal at the local county landfill. The copper-bearing dust is generated from circuit board drilling operations and collected in a baghouse.

3.4.a. Respondent violated the Health and Safety Code division 20, section 25189.2(c), in that on or about June 10, 2004, the Respondent transferred hazardous waste polishing dust to a county landfill that does not hold a hazardous waste permit.

3.4.b. Respondent violated the Health and Safety Code division 20, section 25160(b)(1), in that the Respondent failed to complete a uniform hazardous waste transport manifest for hazardous waste polishing dust sent to the county landfill.

3.4.c. Respondent violated the Health and Safety Code division 20, section 66262.34, in that the Respondent placed waste in a dumpster not labeled as a hazardous waste container.

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the penalties assessed in connection with the violations alleged above. This Consent Order does not limit the Department from taking appropriate enforcement action concerning other violations.

8. Respondent admits the violations above.

SCHEDULE FOR COMPLIANCE

9.1. Respondent certifies that they have corrected the conditions underlying the violations alleged in paragraphs 3.1, 3.2, 3.3, and 3.4 a, b, and c.

9.2. Respondent has submitted documentation to the Department to show that the violations alleged in paragraphs 3.1, 3.2, 3.3, and 3.4.a, b, and c have been adequately corrected or addressed. Therefore, no further actions are required on the part of Respondent with respect to these alleged violations at this time.

PENALTY

10. Respondent shall pay the Department a total sum of \$36,000, which includes \$9,000 in the form of a Supplemental Environmental Project (SEP) consisting of a contribution to the California Environmental Protection Agency (Cal/EPA) Environmental Enforcement and Training Account.

10.1. The penalty shall be reduced by \$5,000 if, and only if, Respondent sends at least one employee to the California Compliance School, Modules I - V, and submits to the Department, within 180 days of the effective date of this Consent Agreement, Certificate of Satisfactory Completion thereof.

10.2. In the event that the above Certificate of Satisfactory Completion is not received by the Department within 185 days of the effective date of this Consent Agreement, the sum of \$5,000 shall then become due and payable.

PAYMENTS

11. Payment is due as follows:

\$9,000 due within 30 days of the effective date of this order.
\$3,140 due within 90 days of the effective date of this order.
\$3,140 due within 180 days of the effective date of this order.
\$3,140 due within 270 days of the effective date of this order.
\$3,140 due within 360 days of the effective date of this order.
\$3,140 due within 450 days of the effective date of this order.
\$3,140 due within 540 days of the effective date of this order.
\$3,160 due within 630 days of the effective date of this order.

Respondent's checks shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

12.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: March 30, 2005

Original signed by Gary R. Ford

Respondent Signature
R Squared Circuits

Gary R. Ford, President

Respondent Name/Title

Dated: April, 5, 2005

Original signed by Charles A. McLaughlin

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control